

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

LARRY JONES, et. al.,	)	
	)	
Plaintiffs,	)	08 C 413
	)	
v.	)	
	)	Judge LINDBERG
	)	
CITY OF CHICAGO, et. al.,	)	Magistrate Judge ASHMAN
	)	
Defendants.	)	

**DEFENDANTS' JOINT AGREED MOTION TO REASSIGN RELATED CASE**

Defendants JAMES SMITH, DARLENE WUJCIK, JOHN FOLINO, JR., MARTIN PHILBIN, TONY FOLINO, FRANK FAGLIANO, TIMOTHY MCDERMOTT, JOSUA ALVARADO, SEAN FORDE, SHEAMUS FERGUS, VICTOR KUBICA, JOSE FLORES, CARL HATTULA, MARK VAIL and SEAN DORSEY (collectively referred to as "Individual Defendants"), and Defendant CITY OF CHICAGO ("City"), by its attorney, Mara S. Georges, Corporation Counsel, with Plaintiffs' agreement, respectfully requests this Honorable Court to reassign Andre Wilson v. City of Chicago, et. al., 08 C 1702 as a related case pursuant to Local Rule 40.4.

In support of this motion, Defendants state as follows:

1. This matter was filed on September 5, 2007, in the Circuit Court of Cook County, Illinois. On or about January 18, 2008, this matter was removed to the United States District Court for the Northern District of Illinois.
2. On January 17, 2008, in the Circuit Court of Cook County, Illinois, Plaintiff Andre Wilson filed a civil action against the same defendants in this matter. On March 24, 2008, the civil action filed by Andre Wilson was removed to the United States District Court for the Northern

District of Illinois and assigned to the Honorable Judge Zagel with the docket number of 08 C 1702. *See* Exhibit 1, Complaint of Andre Wilson v. City of Chicago, et. al., attached hereto).

3. This matter and the case filed by Andre Wilson, 08 C 1702, are related in that the plaintiffs in both cases have named the same defendants, the issues of fact and law arise out of the same occurrence (namely the investigation into the murder of Dorsey Davis and the robbery and shooting of Tyisha Hillard and the subsequent prosecution of Larry Jones and Andre Wilson for the murder, robbery, and shooting), discovery in both matters will be essentially the same, and both cases involve the same or substantially the same issues of law and fact. The plaintiffs Larry Jones and Andre Wilson were co-defendants in the criminal case in the Circuit Court of Cook County, Illinois under the docket number 06 CR 28446.

4. The case of Andre Wilson v. City of Chicago, et. al., 08 C 1702, should be reassigned to this calendar pursuant to Local Rule 40.4. Both cases are pending in the United States District Court for the Northern District of Illinois and the handling of both cases by the same judge is likely to result in substantial saving of judicial time and effort, since both cases involve the same defendants and the same or similar issues of fact and law. At this early stage of litigation in both matters, no delay in the proceedings will ensue. Further, both cases are susceptible to disposition in a single proceeding since they involve the same defendants and the same or similar issues of law and fact.

5. Counsel for the individual defendant officers in both cases and counsels for the plaintiffs in both cases agree to this motion.

**WHEREFORE**, Defendants, with Plaintiffs' in both matters agreement, respectfully requests that the case of Andre Wilson v. City of Chicago, et. al., 08 C 1207, be found to be related to this matter and that it be transferred to the calendar of this Court.

Respectfully Submitted,

MARA S. GEORGES  
CORPORATION COUNSEL

/s/ Christopher A. Wallace  
Christopher A. Wallace

BY: /s/ Rita Moran  
RITA MORAN  
Assistant Corporation Counsel  
*Attorney for Defendant City of Chicago*

Assistant Corporation Counsel  
*Attorney for Individual Defendants*

30 N. LaSalle Street  
Suite 1020  
Chicago, IL 60602  
(312) 744-4939  
Attorney No. 06270301

30 N. LaSalle St.  
Suite 1400  
Chicago, Illinois 60602  
(312) 742-6408  
Attorney No. 6278655

**CERTIFICATE OF SERVICE**

I, Christopher Wallace, an attorney, hereby certify that on Thursday, April 17, 2008, I caused true and correct copies of the above and foregoing Motion to be served upon

John and Mary Ann Gerstner  
53 W. Jackson, Suite 1538  
Chicago, IL 60604  
*Attorney for Plaintiffs*

*by filing the same before the Court via the ECF system.*

and upon;

Robert W. Smith  
320 S. Westmore  
Lombard, IL 60148  
*Attorney for Plaintiffs*

Christopher Smith, James Baranyk, & Jared Kosoglad  
Law Offices of Christopher Smith  
119 N. Peoria St., Suite 3A  
Chicago, IL 60607  
*Attorney for Plaintiff Andre Wilson in case no. 08 C 1702*

*via U.S. Mail.*

/s/ Christopher Wallace  
Christopher Wallace